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Patent
Attorney Docket No.: PD-201129**REMARKS**

By this amendment, claims 1-52 and 54-56 are pending, in which no claim is canceled, currently amended, or newly presented.

The final Office Action mailed April 5, 2006 rejected claims 1-5, 7-8, 11, 13-15, 27-31, 33, 34, 37, 39-41 and 54-56 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* (US 6,249,913) in view of *Wright et al.* (US 6,047,165) in further view of *Booth et al.* (US 5,835,127), claims 6 and 32 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Humpleman* (US 5,579,308), claims 9 and 35 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Schwab* (US 6,353,699), claims 10 and 36 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Ahmad* (US 5,565,908), claims 12 and 38 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Rosin et al.* (US 6,028,600), claims 16 and 42 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *McCarten et al.* (US 5,959,596), claims 17 and 43 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in view of *McCarten et al.* in further view of *Ahmad* (US 5,565,908), claims 18-21 and 44-47 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Volpe et al.* (US 2001/0032028), claims 22-24 and 48-50 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in further view of *Neel et al.* (US 5,838,314), and claims 25, 26, 51, and 52 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* in view of *Wright et al.* in view of *Booth et al.* in view of *Neel et al.* further in view of US 5,724,521).

Independent claim 1 recites "wherein said multimedia server is configured to distribute, over said aircraft multimedia communications network, multimedia in-flight to a device of a

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passenger for purchasing by said passenger, **the multimedia being selected pre-flight via a web server** in communication with the multimedia server." Claim 27 recites "distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger for purchasing by said passenger, **the multimedia being selected pre-flight via a web server** in communication with the multimedia server." Claim 54 recites "means for distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device of a passenger for purchasing by said passenger, **the multimedia being selected pre-flight via a web server** in communication with the multimedia server."

The Office Action, on page 3, acknowledges that "*Galipeau et al.* fails to disclose wherein the multimedia is for purchasing by the passenger and that the multimedia is selected pre-flight via a web server in communication with the multimedia server." Accordingly, the Examiner relies on *Wright et al.* for a supposed teaching of these features. The *Wright et al.* system seeks to analyze flight performance data, without having to physically access a redundant unit on board the aircraft, via a wireless ground data link, through which flight performance data provided by airborne data acquisition equipment is stored, compressed, encrypted and downloaded to an airport-resident ground subsystem, which forwards flight performance data files from various aircraft to a flight operations control center for analysis (col. 2: 9-21).

In support of the rejection, the Examiner, on page 3 of the Office Action, refers to the DTE 102 and the computer terminal 204 of Fig. 1 and col. 7: 6-32. This cited passage states the following (Emphasis Added):

As will be described, once installed in an aircraft, **the data terminal equipment (DTE) 102 of a GDL segment 101 collects and stores flight performance data generated on board the aircraft during flight. It also stores and distributes information uploaded to the aircraft via a ground subsystem's wireless router 201 (shown in detail in FIG. 5, to be described) which is coupled thereto by way of a local area network 207 from a base station segment 202 of a ground subsystem 200 in preparation for the next flight or series of flights.**

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The uploaded information, which may include any of audio, video and data, typically contains next flight information data, such as a set of parameter-exceedence limits, and next flight navigation information, including, but not limited to, a navigation database associated with the flight plan of the aircraft, as well as digitized video and audio files that may be employed as part of a passenger service/entertainment package.

The ground subsystem 200 includes a plurality of airport-resident GDL wireless router segments 201, one or more of which are distributed within the environments of the various airports served by the system. A respective airport wireless router 201 is operative to receive and forward flight performance data that is wirelessly downlinked from an aircraft's GDL unit 101 and to supply information to the aircraft in preparation for its next flight, once the aircraft has landed and is in communication with the wireless router. **Each ground subsystem wireless router 201 forwards flight files from the aircraft's GDL unit and forwards the files to a server/archive computer terminal 204 of the aircraft base station 202, which resides on the local area network 207 of the ground subsystem 200.**

At best, the above passage discusses that the DTE 102 stores flight performance data as well as uploaded information in preparation for the next flight. The uploaded information can include digitized video and audio files that may be employed as part of a passenger service/entertainment package. However, there is no disclosure that the uploaded information is "selected pre-flight via a web server." Specifically, there is no mention of any type of selection capability, much less "via a web server," as positively recited.

Wright et al. does not teach that audio, video and data (other than the flight summary reports) are stored within the server/archive terminal 204, and therefore, it is not technically possible for the server 204 to behave as the claimed "web server." The computer terminal 204 is a server/archive for flight data and is not a "web" server. It is improper to ignore qualifiers in the claim terms such as "web" within "web server." See *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14 (Fed. Cir. 2000) (holding that the district court "cannot read the qualifier 'help' out the definition of 'help access window'" of claim 2).

Furthermore, Applicants submit that *Wright et al.* teaches away the claimed invention. Specifically, *Wright et al.* discloses (col. 7: 62-65) that the server/archive terminal 204 in the base station segment 202 is operative to automatically forward flight summary reports

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downloaded from an aircraft to the flight control center 300; it also forwards raw flight data files when requested by a GDL workstation 303. Applicants note that given the fact that sensitive information (i.e., flight summary reports and raw flight data files) reside within the server 204, it is not prudent from a security standpoint that the server 204 be made a "web" server as the Examiner's suggests. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. ***W.L. Gore & Associates, Inc. v. Garlock, Inc.***, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

The several other secondary references do not cure the deficiencies of the combination of *Galipeau et al.* and *Wright et al.* *Booth et al.* is applied for a supposed disclosures "that the multimedia is purchased by the passenger (page 3, Office Action). The Office Action, on page 10, relies on *Humpleman* for a supposed teaching of wherein the network interface device (50 – Fig. 4) decrypts multimedia received in the program stream." Also, the Office Action, on page 11, asserts that "*Schwab* discloses wherein the custom software decompresses multimedia." *Ahmad* is relied upon for a supposed disclosure of "wherein the software is proprietary" (page 11, Office Action). *Rosin* is applied for a supposed disclosure of "wherein the menu on said device of said passenger for selection of one or more of said multiple streams of said multimedia" (page 12, Office Action). Also, the Office Action applies *McCarten et al.* for a supposed disclosure of "wherein the application software (software device) is downloaded to the client." *Volpe et al.* is relied upon (page 14, Office Action) for a disclosure of "wherein the server offers the capability to the user to have the file mailed." *Neel et al.* and *Dedrick* are utilized for supposed disclosures of "wherein the system distributes user-specific advertisements based on past video services selection history" and "wherein the user profile data [sic] based on the monitoring of consumer actions and inactions," respectively (pages 17 and 19, Office Action).

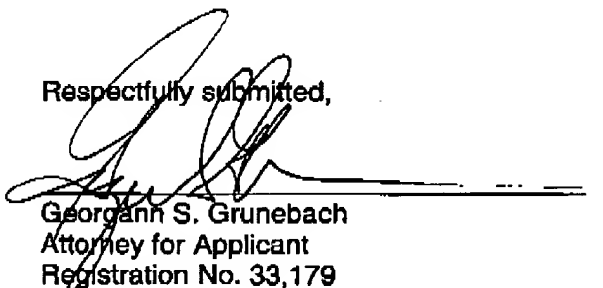
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Accordingly, even assuming the applied references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combinations do not render the claimed invention obvious. Specifically, none the references taken alone, or in combination, teaches or suggests **"the multimedia being selected pre-flight via a web server."**

Therefore, the present application overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-4615 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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